[161 ஆம் பக்கத்தில் இனம் 7 (4)க்கான அடிக்குறிப்பைக் காண்க]

L.A.Bill No. 61 of 1974

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth year of the Republic of India as follows: —

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Inam Estates and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975.

(2) It shall come into force at once.

2. *Amendment of Tamil Nadu Act 26 of 1963.*—In the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26 of 1963),—

(1) in sub-section (4) of section 8, for the expression "Every Tribunal shall", the expression "Every Tribunal shall, subject to the provision of section 72-A" shall be substituted;

(2) in sub-section (3) of section 46, for the expression "The Special Appellate Tribunal shall", the expression "The Special Appellate Tribunal shall, subject to the provisions of section 72-A" shall be substituted;

(3) after section 72, the following section shall be inserted, namely:—

"72-A. *Tribunal or other authority not to appoint receiver, etc.*—(1) Notwithstanding anything contained in sub-section (4) of section 8 or in sub-section (3) of section 46 or in any other provision of this Act or in any other law for the time being in force, no Tribunal or other authority under this Act shall have the power to appoint a receiver or commissioner in respect of any land in an inam estate and in respect of which any proceeding is pending before such Tribunal or other authority.

(2) Any person who was personally cultivating any such land on the notified date and continues to be in possession of that land shall not be dispossessed of the land, until it is finally decided that such person is not actually entitled to ryotwari patta in respect of that land under the provisions of this Act.

(3) Where any receiver or commissioner appointed before the date of the commencement of the Tamil Nadu Inam Estates and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975 by any Tribunal or other authority in respect of any land in an inam estate, is functioning on such date, the Tribunal or other authority shall either on an application made by the aggrieved party within sixty days from such date, or *suo motu* cancel such appointment, and on such cancellation, the possession of such land shall stand transferred to the person who was personally cultivating such land immediately before the date of the appointment of such receiver if such person had been dispossessed of such land by the receiver.

(4) If it is finally decided that any such person as is referred to in sub-section (2) or sub-section (3) who was personally cultivating any such land (hereinafter in this section referred to as the "said person") is not actually entitled to ryotwari patta in respect of such land under the provisions of this Act, the person who has been granted ryotwari patta in respect of such land shall be entitled to recover arrears of fair rent in respect of such land determined in accordance with the provision contained in Schedule II, from the said person.

(5) Notwithstanding anything contained in this Act or in any other law for the time being in force, the said person shall be deemed to be a cultivating tenant and shall continue to be a cultivating tenant for the purposes of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent)Act, 1956 (Tamil Nadu Act XXIV of 1956) and the arrears referred to in sub-section (4) shall be paid to the owner or deposited in Court, in such manner and in such number of instalments and within such period as may be prescribed.

Explanation.—For the purposes of this section, a person is said to personally cultivate a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land.

(6) The said person shall not be liable to be evicted under the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), in respect of the arrears referred to in sub-section (4), except for failure to pay the said arrears in accordance with the rules made in this behalf under sub-section (5)." ;

(4) in Schedule II, for the expression "[*See* section 33 (9).]", the expression "[*See* sections 33 (9) and 72-A (4).]" shall be substituted.

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3. *Amendment of Tamil Nadu Act* 30 *of* 1963.—In the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 30 of 1963),—

(1) in sub-section (4) of section 7, for the expression "Every Tribunal shall", the expression "Every Tribunal shall, subject to the provisions of section 47-A" shall be substituted ;

(2) in sub-section (3) of section 30, for the expression " The Special Appellate Tribunal shall" the expression "The Special Appellate Tribunal shall subject to the provisions of section 47-A" shall be substituted ;

(3) after section 47, the following section shall be inserted, namely:—

"47-A. *Tribunal or other authority not to appoint receiver, etc.*—(1) Notwithstanding anything contained in sub-section (4) of section 7 or in sub-section (3) of section 30 or in any other provision of this Act or in any other law for the time being in force, no Tribunal or other authority under this Act shall have the power to appoint a receiver commissioner in respect of any land in a minor inam in respect of which any proceeding is pending before such Tribunal or other authority.

(2) Any person who was personally cultivating any such land on the appointed day and continues to be in possession of that land shall not be dispossessed of the land, until it is finally decided that such person is not actually entitled to ryotwari patta in respect of that land under the provisions of this Act.

(3) Where any receiver or commissioner appointed before the date of the commencement of the Tamil Nadu Inam Estates and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975 by any Tribunal or other authority in respect of any land in a minor inam, is functioning on such date, the Tribunal or other authority shall either on an application made by the aggrieved party within sixty days from such date, or *suo motu* cancel such appointment, and on such cancellation, the possession of such land shall stand transferred to the person who was personally cultivating such land immediately before the date of the appointment of such receiver if such person had been dispossessed of such land by the receiver.

(4) If it is finally decided that any such person as is referred to in sub-section (2) or sub-section (3) who was personally cultivating any such land (hereinafter in this section referred to as the 'said person'') is not actually entitled to ryotwari patta in respect of such land under the provisions of this Act, the person who has been granted

ryotwari patta in respect of such land shall be entitled to recover arrears of fair rent in respect of such land determined in accordance with the provisions contained in the Schedule, from the said person.

(5) Notwithstanding anything contained in this Act or in any other law for the time being in force the said person shall be deemed to be a cultivating tenant and shall continue to be a cultivating tenant for the purposes of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956) and the arrears referred to in sub-section (4) shall be paid to the owner or deposited in Court, in such manner and in such number of instalments and within such period as may be prescribed.

Explanation.—For the purposes of this section, a person is said to personally cultivate a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land.

(6) The said person shall not be liable to be evicted under the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), in respect of the arrears referred to in sub-section(4), except for the failure to pay the said arrears in accordance with the rules made in this behalf under sub-section (5).";

(4) in the Schedule, for the expression "[*see* sections 8 (2) (i) (*b*). 20 (3) (i) and 21 (4).]", the expression "[*see* sections 8 (2) (i) (*b*), 20 (3) (i), 21 (4) and 47-A (4).]" shall be substituted.

SECRETARY TO GOVERNMENT
26 OCT 1976
MADRAS-600009
LEGISLATIVE COUNCIL DEPT.